IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

LA.App..No. 805 of 2001(A)
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LAR.53/1996 of SUB COURT, MUVATTUPUZHA
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APPELLANT:
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JOSEPH, S/O. JOSEPH,
ARANJANIPUTHENPURAYIL,
MUTHOLAPURAM, ELANJI VILLAGE.

BY ADV. SMT.P.M.INDU

RESPONDENTS:
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STATE OF KERALA REP. BY
THE DISTRICT COLLECTOR,
ERNAKULAM.

BY ADV. SMT. K.R. DEEPA, GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ

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L.A.A NO. 805 OF 2001

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Dated this the 13th day of July, 2007.

**JUDGMENT**

Kurian Joseph,J

The appeal is filed against the judgment and decree in L.A.R No.53/96 on the file of Sub Court, Muvattupuzha. Though the appellant has taken several grounds, we do not find any merit in such contentions regarding the enhancement of compensation with regard to the damages suffered during the construction of the canal pursuant to the blasting of rocks. There is no evidence for the same. However, regarding the claim for compensation in the matter of construction of compound wall, we find that the appellant/claimant had a claim to the tune of Rs.25,000/- before the reference Court. The Advocate Commissioner had reported that approximately an amount of Rs.16,300/- would be required to construct the compound wall for the proper preservation of the property. The reference Court refused to grant any relief in that regard holding that the claimant did not have such a case in the claim statement. A perusal of the claim statement shows that the appellant had in fact made a claim for Rs.25,000/-. In view of the report of the Commissioner and also in view of the

statement made by the claimant before this Court we find that the appellant will be entitled to a further compensation to the tune of Rs.16,300/- for the purpose of construction of the compound wall. The appellant will also be entitled to the eligible statutory interest on the said compensation.

The L.A.A is allowed as above.

**KURIAN JOSEPH, JUDGE.**

**T.R. RAMACHANDRAN NAIR, JUDGE.**

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